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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

Togo

1. The Committee considered the state of implementation by Togo of the economic, social and cultural rights contained in the Covenant at its 19th meeting (E/C.12/2001/SR.19), held on 4 May 2001, and adopted, at its 26th meeting (E/C.12/2001/SR.26), held on 9 May 2001, the following concluding observations.

A. Introduction

2. At its seventh session, the Committee on Economic, Social and Cultural Rights decided to proceed to a consideration of the state of implementation of the International Covenant on Economic, Social and Cultural Rights in a number of States parties which, despite many requests to do so, had not fulfilled their reporting obligations under articles 16 and 17 of the Covenant.

3. The purpose of the reporting system established by the Covenant is for the States parties to report to the competent monitoring body, the Committee on Economic, Social and Cultural Rights, and through it to the Economic and Social Council, on the measures which have been adopted, the progress made, and the difficulties encountered in complying with the rights recognized in the Covenant. Non-performance by a State party of its reporting obligations, in

addition to constituting a breach of the Covenant, creates a severe obstacle to the fulfilment of the Committee's functions. Nevertheless, in such a case, the Committee has to perform its supervisory role, and it must do so on the basis of all reliable information available to it.

4. Hence, in situations where a Government has not supplied the Committee with any information as to its compliance with its obligations under the Covenant, the Committee has to base its observations on a variety of materials stemming from both intergovernmental and non-governmental sources. While the former provide mainly statistical information and important economic and social indicators, the information gathered from the relevant literature, from non-governmental organizations and from the press tends, by its very nature, to be more critical of the political, economic and social conditions in the countries concerned. Under normal circumstances, the constructive dialogue between a reporting State party and the Committee will provide an opportunity for the Government to voice its own views, and to seek to refute any criticism and convince the Committee of the conformity of its policy with the requirements of the Covenant. Consequently, if a State party does not submit a report and does not appear before the Committee, it deprives itself of the possibility of setting the record straight.

5. Togo has been a party to the International Covenant on Economic, Social and Cultural Rights since 23 August 1984 and, despite numerous written requests, has not yet submitted its initial report. Despite any difficulties that the State party may be encountering which are impeding the State party's efforts to comply with its reporting obligations under the Covenant, the Committee urges the State party to make all possible efforts to fulfil its reporting obligations and to engage in a constructive dialogue with the Committee.

6. Bearing in mind the grave economic, social and political situation in Togo at present, as a result of the persisting political and social unrest in the country, the Committee deems it necessary to confine these concluding observations to an assessment of the deliberations of the Committee with respect to the current status of economic, social and cultural rights in the State party. The Committee further considers that, given the limited information available to it, as well as the need for technical assistance to be offered to the State party to enable it to comply with its reporting obligations, the Committee's concluding observations can only be of a very preliminary nature.

B. Factors and difficulties impeding the implementation of the Covenant

7. The Committee recognizes that the persisting political unrest, economic crisis and serious inadequacy of the country's infrastructure have had very negative effects on the general situation of Togo, and on the enjoyment of all economic, social, cultural, civil and political human rights in the country.

C. Positive aspects

8. The Committee notes that the Government of Togo embarked upon technical cooperation projects with the Office of the High Commissioner for Human Rights in 1996, with a view to strengthening the rule of law in Togo and to creating a human rights culture in the country, which in 1998 resulted in a number of activities such as the establishment of an information and documentation centre.

9. The Committee also notes that the State party established a National Human Rights Commission in 1987 and a Ministry of Human Rights in 1992, with a view to protecting the rights of citizens, promoting human rights and instructing the Togolese people about their rights.

10. The Committee acknowledges the efforts undertaken by the Government to address the problems of trafficking in children and female genital mutilation by, inter alia, organizing awareness campaigns and workshops.

D. Principal subjects of concern

11. The Committee expresses its deep concern about the deteriorating general human rights situation in the State party during the last three years, during which large-scale human rights violations, such as killings, extra-judicial executions, rapes and bombing of houses, have allegedly taken place, as stated in the report of 22 February 2001 of the International Commission of Inquiry for Togo.

12. The Committee is concerned about the position of women in Togolese society. Despite a constitutional declaration of equality under the law, women continue to experience widespread discrimination, especially in relation to the rights to education, social security (in particular pension benefits), family protection (particularly family law regulation of inheritance), and in relation to traditional law practices.

13. The occurrence of societal discrimination on the basis of ethnicity by all ethnic groups is a matter of grave concern to the Committee, in particular the discrimination between southerners and northerners, which is evident in private sector hiring, buying patterns, and the de facto ethnic segregation in urban neighbourhoods. These north-south tensions have regularly been the cause of eruptions of violence of a clearly inter-ethnic character.

14. The Committee notes with concern that trafficking in women for the purpose of forced prostitution and of non-consensual labour as domestic servants persists. The Committee also notes with concern that trafficking in persons predominantly concerns children, who are sold as young as two years old for future work on plantations or as house servants. Allegedly, these children are extensively exploited, poorly fed, crudely clothed and inadequately cared for. Although the State party has been undertaking some measures to address these problems, such as conducting public awareness campaigns and organizing a workshop for border police and other law enforcement officers on child trafficking trends and judicial remedies, the root causes of these problems have not been adequately addressed. In addition, violence against women continues to be a serious problem, with mechanisms for redress inadequately used and police rarely intervening in domestic violence cases, as is the persistence of female genital mutilation of young girls, despite the governmental measures taken.

15. The Committee expresses its particular concern with regard to the education of children. A pattern of discrimination against children, especially girls, is prevalent in the State party. According to the Human Development Report, 2000, only 70.2 per cent of primary-school-age girls attend primary school, which is 74 per cent of male enrolment. Only 40.0 per cent of secondary-school-age girls attend secondary school, which is 52 per cent of male enrolment.

At university level, women's enrolment constitutes only 21 per cent of male enrolment in tertiary education. This inequality is also reflected in the difference in adult literacy rates, which is 38.4 per cent for women, only 53 per cent of the male rate.

16. The Committee is concerned about the extremely low quality of health services and the significant lack of qualified personnel in the public sector, and in particular about the alarming rate of HIV/AIDS cases, which is three times higher than the average for countries with a low human development index (185.2 cases per 100,000 people, as opposed to the average of 67.5); 8.52 per cent of the adult population is living with HIV/AIDS.

E. Suggestions and recommendations

17. The Committee reiterates its request that the Government of Togo actively participate in a constructive dialogue with the Committee on how the obligations arising from the International Covenant on Economic, Social and Cultural Rights can be fulfilled in a more adequate manner. It calls the Government's attention to the fact that the Covenant creates a legal obligation for all States parties to submit their initial and periodic reports and that Togo has been in breach of this obligation for many years.

18. The Committee recommends that the Government of Togo avail itself of the advisory services of the Office of the United Nations High Commissioner for Human Rights, so that it can submit, as soon as possible, a comprehensive report on the implementation of the Covenant in conformity with the Committee's revised guidelines and with particular emphasis on the issues raised and concerns expressed in the present concluding observations.

19. The Committee also encourages the State party to seek expert assistance from the Office of the High Commissioner for Human Rights, through its programme of advisory services and technical cooperation, for the purpose of formulating policies on economic, social and cultural, as well as civil and political rights, of developing coherent and comprehensive plans of action for the promotion and protection of human rights, and for developing adequate means of evaluating and monitoring their realization.

20. The Committee recommends that the Government of Togo address the persistence of societal discrimination patterns, in particular in relation to women and girls, and between the various ethnic minorities living in Togo, with a view to eliminating such patterns by adopting appropriate legislative and administrative measures, developing non-discrimination policies, and by taking effective steps to enforce such measures and policies.

21. The Committee urges the State party to take action with respect to the current health situation in the country, which still remains inadequate to address the basic health needs of the population, such as the improvement of basic health services and providing the necessary preventive and remedial steps to combat the HIV/AIDS pandemic and other communicable diseases. The Committee also recommends that the State party take into account the Committee's General Comment No. 14 on the right to an adequate standard of health.

22. The Committee invites the State party to participate in a dialogue to be held during a future session of the Committee, together with representatives of the relevant specialized

agencies, such as the World Bank, the International Monetary Fund, FAO, WHO, ILO, UNDP, UNICEF and UNESCO, in accordance with articles 2 (1) and 23 of the Covenant. The Committee is convinced that only by means of a constructive dialogue between the State party, the above institutions and the Committee can an adequate and realistic appraisal of feasible development and human rights strategies be achieved for the benefit of all citizens of Togo.

23. The Committee wishes to emphasize that the suggestions and recommendations set out in the preceding paragraphs depend for their success upon the State party's renewed commitment to fulfilling its reporting and other international legal obligations under the Covenant.

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